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MAR 14 2011

**United States District Court**  
STATE AND DISTRICT OF MINNESOTACLERK, U.S. DISTRICT CC JRT  
ST. PAUL, MN

UNITED STATES OF AMERICA

V.

BYRON KEITH KINGBIRD, JR.

**CRIMINAL COMPLAINT**

Case Number: 11-mj-99(mkk)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief: In approximately January 2009, in Beltrami County, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant, BYRON KEITH KINGBIRD, JR, an Indian more than four (4) years older than Jane Doe #1 (DOB, XX/XX/1995), did knowingly attempt to engage in a sexual act with Jane Doe #1, also an Indian, who had attained the age of twelve (12) years, but had not yet attained the age of sixteen (16) years, in violation of Title 18, United States Code, Sections 1151, 1153(a), and 2243(a).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

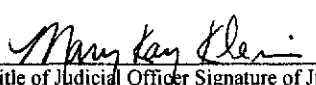
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No  
Signature of Complainant

Joe Ogden

Special Agent

Federal Bureau of Investigations

Sworn to before me, and subscribed in my presence,

March 10, 2011  
Dateat Bemidji, MN  
City and StateThe Honorable Mary Kay Klein  
UNITED STATE MAGISTRATE JUDGE  
Name & Title of Judicial Officer Signature of Judicial Officer

U.S. Magistrate Judge

**SCANNED**

MAR 14 2011

U.S. DISTRICT COURT ST. PAUL

1 STATE OF MINNESOTA )

2 )  
3 COUNTY OF BELTRAMI ) ss. AFFIDAVIT OF JOE A. OGDEN

4 ) 11- m5-99C mKK)  
5 )  
6

7 1. Your affiant, Joe A. Ogden, being duly sworn, does  
8 depose and state as follows:

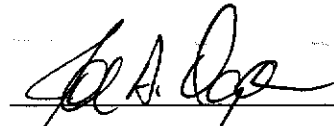
9 2. I am a Special Agent (SA) of the Federal Bureau of  
10 Investigation (FBI). I have been a Special Agent of the  
11 FBI since August of 2010. I am currently assigned to  
12 the Bemidji, Minnesota Resident Agency of the FBI with  
13 the primary responsibility of investigating violent  
14 crimes that occur on the Red Lake Indian Reservation.  
15 The information contained in this affidavit is based on  
16 my knowledge and on the reporting and knowledge of other  
17 law enforcement officers involved in this investigation.

18 3. On January 14, 2010, Officer Paul Thomas Smith of the  
19 Red Lake Police Department (RLPD) responded with Family  
20 and Children Services advocate to the Red Lake Middle  
21 School in response to a sexual abuse report. Officer  
22 Smith spoke with Jane Doe #1, an identified juvenile  
23 female, who stated she had been raped by her uncle,  
24 Byron Keith Kingbird, Jr., in January 2009.

25 4. During the course of Officer Smith's investigation he  
26 identified two other juvenile females living in the  
27 residence. These juveniles also reported that they had  
28 been sexually assaulted by Byron Keith Kingbird, Jr.  
29 Hereafter, they are referred to as Jane Doe #2 and Jane  
30 Doe #3.  
31

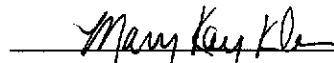
- 1 5. On January 20, 2010, Jane Doe #1 (DOB xx/xx/1995), a  
2 juvenile female between the ages of 12 and 16 years was  
3 interviewed at the FAC. During the forensic interview,  
4 Jane Doe #1 stated in approximately January 2009, Byron  
5 Kingbird, Jr. entered her bedroom in the early morning  
6 hours while she was sleeping. Jane Doe #1 said that  
7 Byron Kingbird, Jr. took his pants off and laid on top  
8 of her while trying to place his penis in her vagina.  
9 Jane Doe #1 stated she told Byron Kingbird Jr. to stop,  
10 but he did not. Byron Kingbird Jr. then told her not to  
11 tell anyone. Also during the interview, Jane Doe #1  
12 stated that after Byron Kingbird Jr. attempted to have  
13 sexual intercourse with her, he went to her younger  
14 sister's bed, Jane Doe #2, and attempted to make her  
15 touch Byron Kingbird's penis.
- 16 6. On January 21, 2010, during a forensic interview at the  
17 FAC, Jane Doe #2 stated that Byron Kingbird Jr. came to  
18 her bedroom, woke her up and told her to look at his  
19 penis.
- 20 7. On January 21, 2010, during a forensic interview at FAC,  
21 Jane Doe #3 stated that Byron Kingbird Jr. touched her  
22 genital area over her clothes. Jane Doe #3 also stated  
23 that Byron Kingbird Jr. exposed his penis to her. Jane  
24 Doe #3 stated this occurred in January of 2009. Jane Doe  
25 #3 also stated on a different night in January 2009,  
26 Byron Kingbird Jr. made her and Jane Doe #1 touch his  
27 penis, Kingbird pulled up Jane Doe #1's tank top and  
28 made Jane Doe #3 touch Jane Doe #1's breasts.
- 29 8. I know that Byron Keith Kingbird, Jr. is an enrolled  
30 member of the Red Lake Band of Chippewa Indian.

- 1 9. I know that the Jane Does #1, #2 and #3 live in a  
2 residence located within the exterior boundaries of the  
3 Red Lake Indian Reservation.
- 4 10. On March 7, 2011 SA Robert L. Mertz and SA Joe A. Ogden  
5 interviewed Byron Keith Kingbird JR. at the Red Lake  
6 Police Department. During the course of the interview  
7 Kingbird JR. stated he had sexual intercourse with Jane  
8 Doe #1, showed his penis to Jane Doe #2 and touched Jane  
9 Doe #3 under her clothes in the groin area.
- 10 11. Based upon the above information, I believe that there  
11 is probable cause to conclude that in approximately  
12 January 2009, within the exterior boundaries of the Red  
13 Lake Indian Reservation, Minnesota, a location within  
14 the special territorial jurisdiction of the United  
15 States, Byron Keith Kingbird, Jr. date of birth (DOB)  
16 XX/XX/1989, an Indian, at least 4 years older than Jane  
17 Doe #1, did knowingly engage in a sexual act with Jane  
18 Doe #1, also an Indian, who had attained the age of 12  
19 years at the time of the offense, but who had not  
20 attained the age of 16 years at the time of the offense  
21 in violation of Title 18, United States Code, Sections  
22 1151, 1153(a), and 2243(a).
- 23 12. Further your affiant sayeth not.

24 

25  
26 Joe A. Ogden, Special Agent  
27 Federal Bureau of Investigation  
28 Bemidji, Minnesota  
29

30 Subscribed and sworn to before me this 10<sup>th</sup> day of March, 2011.

31  
32 

33 U.S. Magistrate Judge